

**Suttons Bay Township
Leelanau County, Michigan**

**Ordinance No. 4 of 2017
(Amended June 28, 2017)**

AN ORDINANCE TO AMEND ORDINANCE NO. 4 OF 2017

THIS ORDINANCE SHALL BE KNOWN AS THE
SHORT TERM RENTAL ORDINANCE.

Suttons Bay Township Ordains:

Section 1: Purpose

The Suttons Bay Township Board finds and declares as follows:

- A. The Township wishes to preserve and retain the residential community character of the Township.
- B. It is the intent of the Suttons Bay Township Short Term Rental Ordinance to make the Short Term Rental activity permitted by this ordinance resemble the existing and traditional residential uses made by resident owners and lessees.
- C. Short Term Rentals provide a community benefit by expanding the number and type of lodging facilities available and assisting owners of Short Term Rentals by providing revenue which may be used for maintenance upgrades and deferred costs.
- D. Township staff has received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at Short Term Rental properties.
- E. The transitory nature of occupants of Short Term Rentals makes continued enforcement against the occupants difficult.
- F. The provisions of this ordinance are necessary to prevent the continued burden placed upon county and township services and impacts on residential neighborhoods posed by Short Term Rental homes.

Section 2: Applicability

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Suttons Bay Township Zoning Ordinance. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, restrictive covenants, associations rules, regulations or bylaws, or rental agreements.

Section 3: Definitions

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit. A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, eating, and bathing purposes.

Local contact person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concern, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this ordinance.

Managing agency or agent. A person, firm, or agency representing the owner of the property (or portion thereof) used for a Short Term Rental, or a person, firm or agency owning the property (or portion thereof) used for a Short Term Rental.

Operator. The person who is proprietor of a property (or portion thereof) used for a Short Term Rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent has the same duties as his principal. Compliance with the provisions of this ordinance by either the principal or the managing agent or the rental agent is considered to be compliance by both.

Owner. The person or entity that holds legal or equitable title to the property (or portion thereof) used as a Short Term Rental.

Parking space. An onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Short Term Rental. The commercial use of renting a dwelling unit for a period of time less than thirty (30) consecutive calendar days. Short Term Rental does not include a bed and breakfast permitted and operated in accordance with the Suttons Bay Township Zoning Ordinance.

Section 4: Short Term Rental Standards

All Short Term Rentals must meet the following standards whether or not a permit is required:

- A. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.
- B. A separate permit is required for each Short Term Rental property.
- C. Suttons Bay Township will limit the number of Short Term Rental Permits to one hundred-fifty (150) per calendar year. There are no restrictions on the number of units operated by a single individual.
- D. Local Contact Person:
 - 1. Each owner of a Short Term Rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures.
 - 2. The local contact person must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
 - 3. The Township will provide the phone number of the local contact to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
 - 4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local contact person.
- E. This ordinance only applies to Residential Zoning Districts.
- F. All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area.
- G. Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.
- H. The Animal Control Enforcement Ordinance of Leelanau County shall have authority over pets. Pets shall be secured on the property or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark, or howl for a period of ten minutes or longer, as per the Animal Control Enforcement Ordinance of Leelanau County.
- I. Fireworks of any kind are not allowed on rental property except in accordance with the Suttons Bay Township Ordinance No. 3-2013: Consumer Fireworks Ordinance.

- J. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned.
- K. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.
- L. The owner shall maintain a septic system or sewer connection that is in substantial compliance with the Benzie/Leelanau District Health Department standards.
- M. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 PM to 8:00 AM. The Suttons Bay Township Noise Ordinance (Ordinance No. 2 of 2010) shall also apply.
- N. The owner shall require these standards be met by renters as part of all rental agreements.

Section 5: Owner Responsibilities

- A. The owner must insure all required standards are met.
- B. The owner must use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any other local or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violative conduct when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as a peace officer or place himself or herself in harm's way.

Section 6: Short Term Rental Permit

- A. Any dwelling rented for a total of two (2) or fewer weeks during a calendar year does not require a permit be issued pursuant to this Ordinance.
- B. A separate permit is required for each Short Term rental property.
- C. The following application elements are required prior to receipt of a Short Term Rental Permit or permit renewal.
 - 1. A fully completed and signed Short Term Rental Permit Application form provided by the Township including all the required supplemental documents.
 - 2. A local contact available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.
 - 3. A copy of the recorded deed or land contract and a copy of any deed restrictions on the property.

- D. A Short Term Rental Permit shall be issued by calendar year. All Permits shall expire at the end of the calendar year and must be renewed each year. If current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for as provided for in the Short Term Rental Application Policy.

Section 7: Violation and Administrative Penalties

- A. Any of the following conduct is a violation of the Short Term Rental ordinance:
1. Any advertising or leasing of a short term rental without first having obtained a short term rental permit.
 2. The permit holder has failed to comply with the standard conditions specified in the Short Term Rental Standards section of this ordinance.
 3. The permit holder has failed to comply with any of the provisions within this Ordinance, specifically Section 5: Owner Responsibilities.
 4. The permit holder has violated any of the provisions of this ordinance.
 5. Any false or misleading information supplied in the application process.
- B. The penalties for violations specified in subsection (A) above are as follows:
1. For a first violation within any calendar year, the penalty is a warning notice of violation which may be verbal and/or written.
 2. A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than two hundred fifty (250) dollars nor more than five hundred (500) dollars. All owners, regardless of their interest in the property, may be responsible for the civil infraction. The Township Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. Each day the violation remains may be a separate offense.
 3. A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of any previous fine but not more than five hundred (500) dollars, and the permit shall be revoked. An owner may reapply for a permit no sooner than twelve (12) months after revocation of a permit.
 4. If there are one or more violations each year during any three (3) consecutive year period, the permit may be revoked. An owner may appeal a decision to revoke a permit to the Suttons Bay Township Board.
- C. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.

- D. The Suttons Bay Township Zoning Administrator is authorized to issue all permits under this Ordinance and is also authorized to issue civil infraction violation notices and/or civil infraction citations for violations of this Ordinance.

Section 8. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 9. Effective Date: August 4, 2017

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township.

Ordinance No. 4 of 2017 was adopted on the 28th of June 2017 by the Suttons Bay Township Board of Trustees, as follows:

Motion by:	Hartesvelt
Support by:	Bahle
Roll Call Vote:	
Yeas:	Nixon, VanHuystee, Bahle, Slocombe, Hartesvelt
Nays:	None
Absent:	None
Motion Carried.	

I certify that this true copy of Ordinance No. 4 of 2017 was adopted at a regular meeting of the Suttons Bay Township Board of Trustees on June 28, 2017 and published in the *Leelanau Enterprise* on July 6, 2017.

Date of Township Approval:	June 28, 2017
Date of Publication:	July 6, 2017
Effective Date:	August 4, 2017

Date: _____

By: _____
Sandra VanHuystee,
Suttons Bay Township Clerk